

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:16CR43
(Judge Keeley)

JEREMY ALLEN WOLFE,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE (DKT. NO. 29),
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING**

On September 18, 2017, the defendant, Jeremy Allen Wolfe ("Wolfe") filed a motion to schedule a guilty plea (dkt. no. 16). The Court referred the motion (dkt. no. 17) to United States Magistrate Judge Michael J. Aloï, for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted. Wolfe appeared before Magistrate Judge Aloï on September 26, 2017, for a Rule 11 hearing (dkt. no. 27). During the plea hearing, Wolfe stated that he understood that the magistrate judge is not a United States district judge and consented to tendering his plea before the magistrate judge.

Based upon Wolfe's statements during the plea hearing and the testimony of Gregory Perry, Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives, the magistrate judge found that Wolfe was

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE (DKT. NO. 29),
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING**

competent to enter a plea, that the plea was freely and voluntarily given, that he was aware of the nature of the charges against him and the consequences of his plea, and that a factual basis existed for the tendered plea. On September 26, 2017, the magistrate judge entered a Report and Recommendation Concerning Plea of Guilty in Felony Case ("R&R") (dkt. no. 29) finding a factual basis for the plea and recommending that this Court accept Wolfe's plea of guilty to Count One of the Indictment.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. He further advised that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R. The parties did not file any objections to the R&R.

Accordingly, this Court **ADOPTS** the magistrate judge's R&R, **ACCEPTS** Wolfe's guilty plea, and **ADJUGES** him **GUILTY** of the crime charged in Count One of the Indictment.

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** as follows:

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE (DKT. NO. 29),
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING**

1. The Probation Officer shall undertake a presentence investigation of Wolfe, and prepare a presentence report for the Court;

2. The Government and Wolfe shall provide their versions of the offense to the probation officer by **October 18, 2017**;

3. The presentence report shall be disclosed to Wolfe, defense counsel, and the United States on or before **December 18, 2017**; however, the Probation Officer shall not disclose any sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel may file written objections to the presentence report on or before **January 8, 2018**;

5. The Office of Probation shall submit the presentence report with addendum to the Court on or before **January 15, 2018**; and

6. Counsel may file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis from the statements or motions, on or before **January 15, 2018**.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE (DKT. NO. 29),
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING**

The magistrate judge remanded Wolfe to the custody of the United States Marshal Service.

The Court will conduct the sentencing hearing for the defendant on **Monday, January 29, 2018 at 10:30 A.M.** at the **Clarksburg, West Virginia** point of holding court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: October 11, 2017

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE